

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARTH HUTCHINGS
Plaintiff,

v.

Case No. 13-C-1063

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
Defendant.

ORDER

Plaintiff Barth Hutchings seeks judicial review of the denial of his application for social security disability benefits. Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court, 28 U.S.C. § 1914(a), but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavit. Upon review of that affidavit, the court is satisfied that he satisfies the poverty requirements of § 1915. Plaintiff avers that he is unemployed. His wife works but only during the school year, and her income is subsumed by regular monthly expenses. Plaintiff avers that they are behind on various bills and receive food share and Medicaid. Plaintiff admits assets – vehicles and a home – but it does not appear that he has the present ability to pay the filing fee. Plaintiff further avers that he believes he is entitled to relief in this action, and on review of the complaint the court is unable to determine that the

action is frivolous or that the complaint fails to state a claim.

THEREFORE, IT IS ORDERED that plaintiff's petition to proceed in forma pauperis (R. 2) is **GRANTED**. The file will be returned to the Clerk of Courts for service on defendant.

Plaintiff is advised to provide defendant or her counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 24th day of September, 2013.

/s Lynn Adelman

LYNN ADELMAN
District Judge